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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/937,344	02/14/2002	Egon Schulz	449122010700	7966

25227 7590 07/24/2006

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EXAMINER	
MILLER, BRANDON J	

ART UNIT	PAPER NUMBER
2617	

DATE MAILED: 07/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/937,344	SCHULZ, EGON	
	Examiner	Art Unit	
	Brandon J. Miller	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 June 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-8* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-8* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *24 September 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/20/2006 has been entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gorsuch et al. (US 6,388,999) in view of Jamal et al. (US 6,724,813).

Regarding claim 1 Gorsuch teaches a method for assigning channels for radio transmission between a subscriber station and a base station of a radio communications system (see abstract, col. 3, lines 62-67 and col. 4, lines 1-6 & 55-59). Gorsuch teaches assigning a number of channel resources to the subscriber station for one transmission direction via a channel resource assignor that transmits the information to the subscriber station (see col. 7, lines 34-42). Gorsuch teaches channel resources in each having at least one of different spread-spectrum codes, different code groups, different frequencies, and different mid-ambles (see col. 5, lines 26-33 and col. 6, lines 1-5 & 8-14). Gorsuch teaches channel information that includes

information about utilization of the channel resources during the radio transmission, which specifies the order of the transmission of data for the one transmission direction (see col. 4, lines 7-25, col. 8, lines 35-45 and col. 10, lines 9-19). Gorsuch does not specifically teach a common channel description. Jamal teaches a common channel description transmitted to a subscriber station (see col. 7, lines 41-50). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the channel resource assignor in Gorsuch adapt to include transmitting a common channel description because the channel resource assignor transmits channel assignment information to multiple subscriber stations and it would allow for efficient resource allocation in a radio communications system, that compensates for expansion and contraction of data traffic loading.

Regarding claim 2 Gorsuch teaches utilization of channel resources that is specified by the order of the information on each of the channel resources within the channel description (see col. 9, lines 21-30).

Regarding claim 3 Jamal teaches utilization of channel resources specified by information relating to at least one of timeslots assigned, to spread-spectrum codes, and to assigned frequencies (see col. 3, lines 10-13).

Regarding claim 4 Gorsuch and Jamal teach a device as recited in claim 1 except for sending a coherent channel description as a message from the base station to the subscriber station, wherein an uplink and downlink channel are described one after another. Gorsuch does teach sending coherent channel assignment information from the base station to the subscriber station, wherein an uplink channel and a downlink channel are described one after the other (see col. 7, lines 40-46). Jamal does teach a coherent channel description as a message (see col. 8,

lines 10-16 & 22-24). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include sending a coherent channel description as a message from the base station to the subscriber station, wherein an uplink and downlink channel are described one after another because this would allow for efficient resource allocation in a radio communications system, that compensates for expansion and contraction of data traffic loading.

Regarding claim 5 Gorsuch and Jamal teach a device as recited in claim 1 except for sending an uplink channel and a downlink channel as separate messages from the base station to the subscriber station. Gorsuch does teach sending an uplink channel and a downlink channel as separate communications from the base station to the subscriber station (see col. 5, lines 26-33). Jamal does teach sending an uplink and a downlink channel as separate message (see col. 3, lines 32-37). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include sending an uplink channel and a downlink channel as separate messages from the base station to the subscriber station because this would allow for efficient resource allocation in a radio communications system, that compensates for expansion and contraction of data traffic loading.

Regarding claim 6 Gorsuch and Jamal teach a device as recited in claim 1 except for sending an uplink channel and a downlink channel in a common channel description as a message, a flag indicating parts of the description which relate to the uplink channel and to the downlink channel. Gorsuch does teach sending an uplink and a downlink channel description (see col. 7, lines 40-46). Jamal does teach sending a common channel description, indicating parts of the description that relate to the identity of an allocated resource (see col. 6, lines 51-57

& 63-65). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include sending an uplink channel and a downlink channel in a common channel description as a message, a flag indicating parts of the description which relate to the uplink channel and to the downlink channel because this would allow for improved signaling protocols in a mobile communication signal.

Regarding claim 7 Gorsuch teaches wherein a case where one channel is changed, the description of this channel is sent (see col. 7, lines 41-46).

Regarding claim 8 Gorsuch teaches a base station for a radio communications system (see col. 4, lines 55-59). Gorsuch teaches a facility to assign channels for a radio transmission with a subscriber station for one transmission direction (see col. 7, lines 34-42). Gorsuch teaches wherein the facility transmits channel assignment information to the subscriber station for assigning a number of channel resources for the radio transmission (see col. 7, lines 34-42). Gorsuch teaches the channel resources having at least one of different spread-spectrum codes, different code groups, different frequencies and different mid-ambles (see col. 5, lines 26-33 and col. 6, lines 1-5 & 8-14). Gorsuch teaches the facility generating the channel information includes information about utilization of the channel resources during the radio transmission, which specifies the order of transmission of data for the one transmission direction (see col. 4, lines 7-25, col. 8, lines 35-45 and col. 10, lines 9-19). Gorsuch does not specifically teach a common channel description. Jamal teaches a common channel description transmitted to a subscriber station (see col. 7, lines 41-50). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the channel resource assignor in Gorsuch adapt to include transmitting a common channel description because the channel resource

assignor transmits channel assignment information to multiple subscriber stations and it would allow for efficient resource allocation in a radio communications system, that compensates for expansion and contraction of data traffic loading.

Response to Arguments

Applicant's arguments filed 11/14/2005 have been fully considered but they are not persuasive.

Regarding independent claims 1 and 8 the combination of Gorsuch and Jamal teach a device as claimed.

Jamal teaches synchronizing to a selected downlink common control channel and acquiring specific parameters from the selected common control channel including common channel information (see col. 7, lines 39-50), this relates to applicant's claimed "a common channel description transmitted to the subscriber station".

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., a description related to a plurality (or number) or channels, and information related to the order in which the plurality of channels may be used to transmit data for one transmission direction) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on

combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the channel resource assignor in Gorsuch does transmit channel assignment information to multiple subscriber stations and it would allow for efficient resource allocation in a radio communications system.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Spartz et al. U.S Patent No. 5,878,036 discloses wireless telecommunications system utilizing CDMA radio frequency signal modulation in conjunction with the GSM A-interface telecommunications network protocol.

Hogberg et al. U.S. Patent No. 6,377,540 discloses a method and apparatus for managing resource allocation conflicts in a communications systems.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brandon J. Miller whose telephone number is 571-272-7869. The examiner can normally be reached on Mon.-Fri. 8:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

July 17, 2006

GEORGE ENG
SUPERVISORY PATENT EXAMINER